

Introductory Guide to Applying for an Environmental Compliance Approval

FOREWORD

While every effort has been made to ensure the accuracy of the information contained in this Guide, it should not be construed as legal advice. In the event of conflict with requirements identified in the Acts or Regulations, then the regulatory requirements shall determine the appropriate approach.

The purpose of this Guide is to provide guidance to applicants for Environmental Compliance Approvals (ECAs) issued under Part II.1 of the Environmental Protection Act (EPA). This Guide provides information to assist the applicant when applying for an ECA. There are other guidance materials that may be relevant to your application, many of which were prepared in the past to assist with applications for certificates of approval; these materials may be used as guidance to the extent that they do not conflict with anything contained in this guide or the Acts or Regulations. References to an approval, a certificate of approval, a provisional certificate of approval, an approval under s. 9 of the Environmental Protection Act, an approval under Part V of the EPA or an approval under s. 53 of the Ontario Water Resources Act contained in other guidance material shall be deemed, unless the context requires otherwise, to be a reference to an ECA.

To obtain an updated copy of this Guide, please visit the Ministry of the Environment's website at:

www.ene.gov.on.ca/environment/en/resources/index.htm

or contact:

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MINISTRY OF THE ENVIRONMENT

Introductory Guide to Applying for an Environmental Compliance Approval

Recent amendments to the Environmental Protection Act (EPA) and the Ontario Water Resources Act (OWRA) came into effect resulting in a two path environmental approval process; the Environmental Compliance Approval (ECA) process and the Environmental Activity and Sector Registry (EASR) process. The ECA is a new instrument of environmental approval that replaces the Certificate of Approval (CofA). Existing CofA and their terms and conditions will continue to apply as if they were an ECA.

The ECA process allows for a facility based approach to environmental approvals, in which all activities at the facility can be applied for through one application, reviewed for their impact to the land, air, or water, and issued under one approval instrument. The ECA application form harmonizes into a single form the information found in previous forms for CofA applications submitted separately under EPA s. 9, s. 27 or OWRA s. 53.

GENERAL INFORMATION

This introductory Guide provides useful tips and resources to assist applicants when completing and submitting their ECA application form. Applicants may refer to the most recent guides formerly used for applying for a CofA for detailed guidance on the approval process until the comprehensive ECA Guide is released.

Owners and operators of activities that may discharge a contaminant into the natural environment, or establishes, alters, extends or replaces a sewage works, or stores, transports or disposes of waste, must seek approval from the Ministry of the Environment (ministry) to carry out these activities. The Environmental Protection Act and the Ontario Water Resources Act specify the activities that require ministry approval and the activities that are exempt. The ministry district/area office responsible for the area in which the particular activities relates to can assist in providing information on whether an environmental approval, other approvals, permits, etc., may be required. A map showing the ministry district/area office coverage areas is available on the ministry website at:

www.ene.gov.on.ca/environment/en/about/regional_district_offices/index.htm.

APPLICATION FORM: FEATURES

The ECA application form simplifies the application process by identifying majority of the information that the ministry needs in order to process your application, reducing the need to use different forms for various application requirements. The electronic version of the ECA application form incorporates several features to assist the applicant in completing their application.

Electronic ECA Application Form

The ministry encourages you to use the electronic version of the ECA application form. In addition to the complete ECA application package, described in the ECA application form, which is submitted to the Director, Environmental Approvals Access and Service Integration Branch, you may submit a copy of the ECA application electronically to the ministry to ECA.Submission@ontario.ca. As well, using the electronic version allows you to take advantage of the smart features built in, including:

- **Integrated Help**

Guidance and assistance about the content are easily accessible directly on the form. Help buttons are available throughout the form to access help content specific to the section you need to fill out.

- **Smart Form Capabilities**

The details of your proposal and your determination of which emissions or activities are involved will dictate the parts of the form you need to fill out and will identify some of the documents you will have to provide. The form will prevent you from editing sections of the form you do not need to fill out based on information you provide.

- **Automated Application Fees Calculation**

The electronic ECA application form automatically calculates the fees, based on the information you provide in the form. The application fee will be displayed in the **Fee Summary** section in the **Application Summary** portion of the form. If you are filling out a paper copy of the Application Form you must calculate the ECA application fees and fill this information in manually.

Once you have completed the ECA application form and signed it, you submit it to the ministry, along with your application fee, supporting documentation, technical information and financial assurance calculations. All ECA applications must meet the complete ECA application requirements set by O. Reg. 255/11, “Applications for Environmental Compliance Approvals” made under the EPA. The ministry will assess the completeness of each ECA application and incomplete applications may be returned. The ministry may also request additional information, documents and fees upon review of this application.

The information requested in this form is collected under the authority of the EPA, OWRA and Environmental Bill of Rights (EBR), and will be used to evaluate applications for ECAs issued under Part II.1 of the EPA.

Tip: Legislation mentioned in this Guide can be accessed online at www.e-laws.gov.on.ca or contact ServiceOntario by telephone at 416-326-5300 (Toll-free at 1-800-668-9938) or by e-mail: e-laws@ontario.ca.

For all questions related to preparing or submitting this form or about the ministry’s collection of information related to applying for an ECA, contact:

Environmental Approvals Access and Service Integration Branch
2 St. Clair Ave. W, Floor 12A
Toronto ON M4V 1L5
Telephone outside Toronto 1-800-461-6290 or in Toronto 416-314-8001
Fax: 416-314-8452
E-mail: eaabgen@ene.gov.on.ca

Note: The new ECA application form should not be used for mobile PCB destruction facilities and land application sites of septage and soil conditioner. A client service representative from the ministry will be pleased to help you understand how to apply for an approval for any of these activities not covered by the new ECA application form.

APPLICATION FORM: APPLICATION SUMMARY SECTION

The **Application Summary** section of the application form contains basic information about the applicant and project. In this section, you are required to: identify the Applicant's name, provide a Project Name that will be used by the ministry in correspondence with you, and provide a brief easy-to-understand description of your project. In the **Supplemental Application Information** section you can provide any other information that might be relevant to your application. If you are using the electronic ECA application form the information in the **Required Information** section and **Fee Summary** section will automatically fill in as you complete the form. If you are filling out a paper copy of the application form you must fill this information in manually.

APPLICATION FORM: SECTION 1 - APPLICANT INFORMATION

Information provided in this section identifies the person (individual, organization, etc.) that has legal responsibility for the proposed activities to which the application relates and is the person who the ECA will be issued to, if issued.

Tips:

- Remember to include your Proof of Legal Name with the submitted application.
- All applications must be signed by the signing authority (See the Applications for Environmental Compliance Approvals regulation O. Reg. 255/11 for definitions). The signing authority attests to the completeness and accuracy of:
 - the information provided to the technical contact(s) in order to develop the technical materials, and
 - any information in the application not provided by a technical contact.
- **Statement of the Municipality** in Section 1.5 of the form is only required for proposed sewage works not including industrial sewage works or if the applicant is the municipality within whose jurisdiction the sewage works that are the subject of the application are, or are to be located.

More Information:

- ECA application fees are outlined in the Minister's Requirement for Fees (Environmental Compliance Approvals) available on the ministry website at: www.ene.gov.on.ca/environment/en/resources/STDPROW_090888.html.
- Find your North American Industry Classification System (NAICS) code in the Statistics Canada publication: "North American Industry Classification System (NAICS) – Canada" [Catalogue no. 12-501-XIE] on the website: www.statcan.gc.ca.

APPLICATION FORM: SECTION 2 - PROJECT INFORMATION

Information provided in this section describes your proposed activities and current approval situation. It will also help the ministry assign your application to the appropriate reviewer.

Tips:

- If you are applying for an approval regarding municipal waste or sewage works pilot project you should engage in pre-application consultation with the ministry.

- Transfer of Review Program category in the **Reason for Application** in Section 2.1 of the form is to identify specific types of sewage works in designated municipalities. The types of works covered by the Transfer of Review Program depend on individual agreements between the ministry and the designated municipal authority.

ECAs can be issued for more than one media. Applications for a multiple media ECA refers to applications for ECAs that will include terms and conditions governing two or more of the following: air, noise, waste, or sewage. **Project Type** in Section 2.2 of the form is used to indicate all the media your application relates to.

Here are a few rules of thumb that might help you identify the media that apply to your proposal:

If your proposal falls under...	The media it will <i>usually</i> involve is:
EPA section 9	Air (may involve noise, odour, or vibration)
EPA section 27	Waste Disposal Site or Waste Management Systems
OWRA section 53	Sewage (may involve wastewater treatment, stormwater management, etc.)

- If your proposal involves the cleanup of a contaminated site please indicate this by selecting “Cleanup of contaminated site” as a **Project Type** in Section 2.2 of the form. You may also have to choose one of the other project types depending on the other media your proposal will involve; air, noise, vibration, waste disposal site, sewage, or waste management systems.
- Mobile activity refers to a discrete activity that is portable, you can move and that can occur at different locations at different times. Projects that transport waste are considered a Waste Management System, not a mobile activity.
- If you are applying for an ECA with Limited Operational Flexibility (formerly a Comprehensive Certificate of Approval) provide your operating envelope in your project description. In addition, the operating envelope should be described and contained within the detailed project and process description for EPA s. 9 proposals and within the engineer’s report for EPA s. 27 and OWRA s. 53 proposals. The operating envelope can be described by a project’s physical parameters or boundaries as well as the parameters of the project’s operating capacity.
- If you are applying for the application as a result of fulfilling a requirement of an order under Section 20.18 of the EPA to move from the EASR to the ECA process please indicate this as the reason for initiating the application in **Approval Information** of Section 2.3 of the form.
- In **Approval Information** of Section 2.3 of the form, you must provide information about current approved ECAs which includes ECAs approved as CsofA that may be changed by this application for your proposed activity and information about other ECAs that may be required for your proposed activity and that you have not yet applied for or are in the process of applying for.
- You must list all other approvals or permits required by legislation that are related to the project in **Other Approvals/Permits for Facility** of Section 2.4 of the form.

- Identify a technical contact for each media (air, noise/vibration, waste, sewage), associated with the application, who can be contacted in case the ministry has questions about the technical information.
- The technical contact(s) involved in making the application must attest to the accuracy and completeness of the work for which they are responsible. If the technical contact and the signing authority are the same individual, that person must sign both attestations.

More Information:

- The criteria for defining a municipal waste pilot project site and the regulatory requirements pertaining to ECAs for such a site can be found in Reg. 347 R.R.O. 1990 s. 5.0.1.
- For more information on the Transfer of Review Program see the ministry publication “Guide For Applying For Approval Of Sewage Works” [PIBS 7339].

APPLICATION FORM: SECTION 3 - REGULATORY REQUIREMENTS

Information provided in this section relates to regulatory requirements associated with seeking an ECA for the proposed activities. The information will demonstrate how you satisfied applicable legal obligations, regulatory requirements and consultation/notification activities.

For the purposes of the Environmental Bill of Rights (EBR), ECAs are classified as Class II instruments. As a result, they will be subject to a minimum of 30 days posting on the Environmental Registry and additional public participation requirements, such as posting for an additional 15 days.

Tips:

- ECAs are subject to discretionary hearings under the amendments to the EPA. The new discretionary hearing provision allows for the Director to refer some or all of the applications to the Environmental Review Tribunal for a hearing, whose decision would be binding on the Director.
- There are also specific exceptions to the classification for ECAs which mirror all of the previous exceptions as for CsofA. Any proposed approval that deals entirely with one or more of the exceptions would not be subject to posting on the Environmental Registry.
- The current appeals process in the EBR, which takes place after a decision is made, will not significantly change. Applicants will still have the right to appeal, and where a proposal for an approval is posted on the Environmental Registry as a classified instrument; third parties would still have the right to seek a leave to appeal. The one change is in the case where an ECA has been amended from one version to the next (i.e. convert a CofA to an ECA). In this circumstance, the terms and conditions that are substantially the same from the previous version to the new version would not be subject to appeal – either from the applicant or from a third party.
- Identify consultations/notifications performed outside of those required for fulfilling EBR and Environmental Assessment Act (EAA) requirements in section 3.3 of the form. Examples of consultation/notification that you might include are:
 - consultation with an Aboriginal community about potential impacts of the proposed project on asserted or established Aboriginal or treaty rights,
 - consultation around an altered air standard or registration of a technical standard under O.Reg. 419/05,

- Notification provided to neighbours, if your application relates to a Waste Disposal Site, or
- Consultation required to obtain a zoning or planning approval.

More Information:

- For more information on the EBR Requirements see the ministry publication “The Requirements of the Environmental Bill of Rights for Prescribed Instruments” [PIBS 3323].
- The Director will not consider applications for ECAs that are subject to the EAA until all applicable requirements have been satisfied. For further details on the requirements of the EAA, refer to: “Environmental Assessment Act”
- For more information about the streamlined Environmental Assessment processes, refer to the applicable guide: “Guide to Environmental Assessment Requirements for Waste Management Projects” [PIBS 6168] or “Guide to Environmental Assessment Requirements for Electricity Projects” [PIBS 4021].
- For more information regarding the Environmental Assessment requirements for transit projects and Greater Toronto Transportation Authority undertakings in O. Reg. 231/08, refer to: “Guide: Ontario’s Transit Project Assessment Process” [PIBS 7267].
- Additional information regarding the Crown’s duty to consult is available on the Ministry of Aboriginal Affairs website at: wwwaboriginalaffairs.gov.on.ca.
- The ministry district/area office can assist you in determining an appropriate level of consultation/notification for the proposed project.

APPLICATION FORM: SECTION 4 - SITE INFORMATION

Information provided in this section describes the physical location of the activity, as well as characteristics about zoning, classifications, the owner of the site, whether it is in a source protection area, etc.

Tips:

- A stationary activity must provide site address information that describes the *site location* of the proposed activity. In the case of a mobile activity or a Waste Management System the address information provided describes the *storage location* of the vehicles or mobile equipment.
- Primary civic or survey address represents the physical location of front door or main entrance to the site.
- If the *site location* of the stationary activity is represented by multiple adjacent addresses provide the additional address information in the **Additional Civic or Survey Addresses** section within Section 4.1 of the form. If the mobile activity or Waste Management System has multiple *storage locations* provide the additional address information in the **Additional Civic or Survey Addresses** section within Section 4.1 of the form.
- Check with the corresponding municipality to confirm that the proposed activity is permitted under the applicable zoning by-law.

More Information:

- Learn more about the activities that are considered a drinking water threat within s. 1.1 of O. Reg. 287/07.
- For more information about source protection, contact your local conservation authority or visit the ministry's website at: www.portal.gov.on.ca/ONT/portal61/drinkingwater.
- For information on what a "policy 2 receiver" is and the circumstances and procedures for a deviation approval, see: "Procedure B-1-5 Deriving Receiving Water Based, Point Source Effluent Requirements for Ontario Water" [PIBS 3302].

APPLICATION FORM: SECTION 5 - FACILITY INFORMATION

Information provided in this section relates to the characteristics of the facility. All sections (and fields within the sections) that are relevant to the media relevant to your project should be filled in.

Tips:

Section 5.1: Facility Information - Air

- This section is for all projects falling under EPA s. 9, except for noise.
- See O. Reg. 419/05 and "Guideline A-10: Procedure for Preparing an Emission Summary and Dispersion Modelling (ESDM) Report" [PIBS 3614] for more information regarding O. Reg. 419/05 Requirements.
- Applications for registration to a technical standard under O. Reg. 419/05 s.39 may be made in conjunction with an ECA application for projects falling under EPA s. 9.
- For details regarding the application process for technical standards refer to: "Guide to Applying for Registration to the Technical Standards Registry – Air Pollution" [PIBS 7804].

Section 5.2: Facility Information - Noise

- All applicants should consider if noise may be an issue for their proposal.
- The Primary Noise Screening is only available to certain NAICS codes, but any proposal may use the Acoustic Assessment Report as well as the Secondary Noise Screening. Find out more about these specific NAICS codes and eligibility criteria in: "Primary Noise Screening Process for s. 9 Applications – Supplement to Application for Approval" [PIBS 4871].

Section 5.3: Facility Information - Sewage Works

- The information in this section of the form details the types of sewage works that are part of your proposal and the areas they will service.
- Storm sewers, combined sewers, sanitary sewers, ditches, forcemains and pumping stations, must complete and attach the relevant sections of the "Pipe Data Form: Watermain, Storm Sewers, Sanitary Sewers and Force main Design. Supplement To Application For Approval For Water and Sewage Works." [PIBS 6238].

Section 5.4: Facility Information - Waste Disposal Site

- The information in this section defines the operation and capacity of the waste disposal site, including the types and amounts of waste that is proposed to be managed, transferred, processed, disposed of, etc., at the site.

Section 5.5: Facility Information - Waste Management Systems

- The information in this section describes the Waste Management Systems operation including: the vehicles and equipment to be used in the operation, where the waste is being transported to and the types of waste being transported.
- Proposals for soil conditioner and hauled sewage (septage) waste management systems intended for land application may require an additional approval from the ministry's district office. Contact the ministry district/area office responsible for the area in which the site receiving the waste is located.
- Applicants of waste management systems that transport waste out of Ontario are required to notify each province or state regulatory agency where waste is being transported to.

Section 5.6: Facility Information - Mobile Waste Processing

- The information in this section describes the mobile waste processing operation including: the equipment to be used in the operation and the types of waste being processed.

Section 5.7: Facility Information - Cleanup of Contaminated Sites

- This section applies for both stationary, site-specific proposals as well as mobile proposals.
- The information in this section classifies the type of cleanup and type of contaminants addressed in the proposal.

More Information:

- To learn more about potential financial assurance requirements related to your application see "Guideline F-15 Financial Assurance" [PIBS 0226e04].

APPLICATION FORM: SECTION 6 - SUPPORTING DOCUMENTATION AND TECHNICAL REQUIREMENTS

Section 6 of the ECA application form relates to the specific supporting documentation and technical documents you must submit as part of your application. The checklists in this section reflect the documents that have been listed throughout the application form, media specific supporting documentation and some of the technical requirements.

Tips:

- If you consider any of the supporting documents to be proprietary in nature you must clearly identify it to be considered confidential. You should also provide a reason for the confidentiality request.

The public release of information contained in the application form and the documentation attached to the application form is subject to the provisions of the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act. Please note that items marked confidential may still be requested through a Freedom of Information (FOI) request. The ministry will handle such requests based on the FOI process requirements.

APPLICATION FORM: SECTION 7 - PAYMENT INFORMATION

This section requires you to state the fee submitted with the application and provide additional information if payment is in the form of a credit card. All fees must be in Canadian funds, payable to the *Minister of Finance*, except fees for Transfer of Review, which are payable to the local Municipality. Credit card payments are accepted for payments under \$10,000 only. The information collected in this section of the form is considered confidential and will only be used to process your application fee.

SUBMITTING THE COMPLETE APPLICATION

- Unlike the previous CofA application process, you should not provide cover letters with your application. Any supplemental application information should be provided in the data field available in the **Application Summary** section of the form. The **Supplemental Application Information** section may also be used to bring to the ministry's attention to any other important information about your application, such as describing any pre-application meetings with the ministry (who, when, etc.).
- Submit one (1) paper copy of the complete application (unless your application is a Transfer of Review), one (1) electronic copy of the complete application and the fee to the Director, Environmental Approvals Access and Service Integration Branch at the address provided at the beginning of this document.
- You must also send a copy of the application without the fee to the local Ministry District Office that has jurisdiction over the area where the facilities are located. To locate the appropriate local ministry district/area office, visit the ministry website at:
www.ene.gov.on.ca/environment/en/about/regional_district_offices/index.htm.
- For Waste Disposal Sites you must also send a copy of the application without the fee to the Clerk's office of the local municipality (both upper and lower tier) in which the facility/proposed facility is located unless the application is for a revocation or an amendment that is environmentally insignificant or the applicant is a municipality.
- Transfer of Review applications must be submitted with two (2) copies of the completed application and the fee to the designated municipal authority, not the ministry.